

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Ronald Anderson, #268279,)	
)	
Plaintiff,)	C.A. No.: 9:08-01046-RBH
)	
vs.)	ORDER
)	
Richland County Sheriff's Department;)	
Deputy Timothy Sheriff; and Deputy Z.)	
Harvel,)	
)	
Defendants.)	
)	
_____)	

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Bristow Marchant, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

No objections were filed to the Report and Recommendation. On October 7, 2008, [entry no. 33], the Report and Recommendation was mailed to the Plaintiff. The Report and Recommendation was returned to the court on October 17, 2008, [entry no. 34] marked "Mail

Returned as Undeliverable, Released to Richland Co Probation 8/1/08.” An order [entry no. 8] was sent to the Plaintiff directing him to notify the court in writing of any change of address. No change of address has been filed with the court. This is further indication of Plaintiff’s failure to prosecute. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Marchant’s Report and Recommendation and incorporates it herein. It is therefore

ORDERED that this action is hereby DISMISSED with prejudice for failure to prosecute in accordance with Rule 41(b), Fed. R.Civ.P..

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. BRYAN HARWELL
United States District Judge

Florence South Carolina
October 24, 2008